

7-308. PROHIBITED TRANSFER OF RECORDED SOUNDS OR IMAGES.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "DELIVER" MEANS TO SELL, RENT, DISTRIBUTE, OR CIRCULATE.

(3) "PERFORMANCE" INCLUDES A LIVE PERFORMANCE AND A PERFORMANCE THAT IS TRANSMITTED BY WIRE, RADIO, OR TELEVISION.

(4) "RECORDED ARTICLE" MEANS A PHONOGRAPH RECORD, DISC, WIRE, TAPE, FILM, VIDEOCASSETTE, OR OTHER ARTICLE ON WHICH SOUNDS ARE RECORDED OR OTHERWISE STORED.

(B) PROHIBITED — TRANSFER WITHOUT CONSENT OF SOUND RECORDINGS INITIALLY FIXED BEFORE FEBRUARY 15, 1972.

(1) THIS SUBSECTION APPLIES ONLY TO SOUND RECORDINGS INITIALLY FIXED BEFORE FEBRUARY 15, 1972.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON MAY NOT KNOWINGLY TRANSFER OR CAUSE TO BE TRANSFERRED ANY SOUNDS RECORDED ON A RECORDED ARTICLE TO ANY OTHER RECORDED ARTICLE:

(I) WITH THE INTENT TO SELL OR CAUSE TO BE SOLD FOR PROFIT OR USED TO PROMOTE THE SALE OF ANY PRODUCT; AND

(II) WITHOUT THE CONSENT OF THE OWNER OF THE ORIGINAL FIXATION OF SOUNDS EMBODIED IN THE MASTER RECORDED ARTICLE.

(C) SAME — DELIVERY OF A RECORDED ARTICLE OR DEVICE WITHOUT CONSENT.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON MAY NOT KNOWINGLY DELIVER, OFFER FOR DELIVERY, POSSESS FOR DELIVERY, CAUSE TO BE DELIVERED, CAUSE TO BE OFFERED FOR DELIVERY, OR CAUSE TO BE POSSESSED FOR DELIVERY A RECORDED ARTICLE OR DEVICE:

(1) ON WHICH SOUNDS HAVE BEEN TRANSFERRED WITHOUT THE CONSENT OF THE OWNER OF THE ORIGINAL FIXATION OF SOUNDS EMBODIED IN THE MASTER RECORDED ARTICLE; OR

(2) EMBODYING A PERFORMANCE WITHOUT THE CONSENT OF THE PERFORMER

(D) SAME — TRANSFER OF SOUND OR IMAGES WITHOUT CONSENT AND WITHOUT CREDIT.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON MAY NOT KNOWINGLY TRANSFER TO OR CAUSE TO BE TRANSFERRED TO A RECORDED ARTICLE ON WHICH SOUNDS OR IMAGES HAVE BEEN TRANSFERRED OR STORED ANY PERFORMANCE: